

**ARTICLE 16. BEHAVIORAL HEALTH SUPPORTIVE HOMES**

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## ARTICLE 16. BEHAVIORAL HEALTH SUPPORTIVE HOMES

### **R9-10-1601. Definitions**

In addition to the definitions in [A.R.S. § 36-401](#) and R9-10-101, the following definition applies in this Article unless otherwise specified:

1. “Sibling” means one of two or more individuals having one or both parents in common.

### **R9-10-1602. Administration**

#### A. A provider:

1. Is at least 21 years of age;
2. Resides in the behavioral health supportive home;
3. Is the governing authority of the behavioral health supportive home;
4. Has a written agreement with a collaborating health care institution;
5. Holds current certification in cardiopulmonary resuscitation and first aid training applicable to the ages of residents;
6. Has the skills and knowledge established by the collaborating health care institution in R9-10-117;
7. Has documentation of completion of training in assistance in the self-administration of medication in R9-10-117;
8. Has documentation of evidence of freedom from infectious tuberculosis as specified in R9-10-112; and
9. Shall ensure that:
  - a. Except as provided in R9-10-1608(A), there are only three residents admitted to a behavioral health supportive home; and
  - b. Documentation required by this Article is provided to the Department within two hours after a Department request.

#### B. There may be up to two providers for a behavioral health supportive home. If there are two providers, the Department shall issue the behavioral health supportive home license to both providers.

#### C. A provider shall provide written notification to the Department:

1. If a resident’s death is required to be reported according to [A.R.S. § 11-593](#), within one working day after the resident’s death; and
2. Within two working days after a resident inflicts a self-injury or has an accident that requires immediate intervention by an emergency medical services provider.

- D. If abuse, neglect, or exploitation of a resident is alleged or suspected to have occurred before the resident was admitted or while the resident is not on the premises and not receiving services from a provider, the provider shall immediately report the alleged or suspected abuse, neglect, or exploitation of the resident as follows:
1. For a resident 18 years of age or older, according to [A.R.S. § 46-454](#); or
  2. For a resident under 18 years of age, according to [A.R.S. § 13-3620](#).
- E. If abuse, neglect, or exploitation of a resident is alleged or suspected to have occurred on the premises or while the resident is receiving services from a provider, the provider shall:
1. Take immediate action to stop the alleged or suspected abuse, neglect, or exploitation;
  2. Immediately report the alleged or suspected abuse, neglect, or exploitation of the resident as follows:
    - a. For a resident 18 years of age or older, according to [A.R.S. § 46-454](#); or
    - b. For a resident 18 years of age, according to [A.R.S. § 13-3620](#);
  3. Document the action in subsection (E)(1) and the report in subsection (E)(2) and maintain the documentation for 12 months after the date of the report;
  4. Investigate the alleged or suspected abuse, neglect, or exploitation and develop a written report of the investigation within five working days after the report required in subsection (E)(2) that includes:
    - a. Dates, times, and description of the alleged or suspected abuse, neglect, or exploitation;
    - b. Description of any injury to the resident and any change to the resident's physical, cognitive, functional, or emotional condition;
    - c. Names of witnesses to the alleged or suspected abuse, neglect, or exploitation; and
    - d. Actions taken by the administrator to prevent the alleged or suspected abuse, neglect, or exploitation from occurring in the future;
  5. Submit a copy of the investigation report required in subsection (E)(4) to the Department within 10 working days after submitting the report in subsection (E)(2); and
  6. Maintain a copy of the investigation report required in subsection (E)(4) for 12 months after the date of the investigation report.

**R9-10-1603. Resident Rights**

- A. An administrator shall ensure that:
1. A resident is treated with dignity, respect, and consideration;
  2. A resident is not subjected to:

- a. Abuse;
- b. Neglect;
- c. Exploitation;
- d. Coercion;
- e. Manipulation;
- f. Sexual abuse;
- g. Sexual assault;
- h. Seclusion;
- i. Restraint, if not necessary to prevent imminent harm to self or others;
- j. Retaliation for submitting a complaint to the Department or another entity; or
- k. Misappropriation of personal and private property by:
  - i. A behavioral health supportive home's provider, or
  - ii. An individual other than a resident residing in the behavioral health supportive home; and
- 3. A resident or the resident's representative:
  - a. Is informed of the resident complaint process;
  - b. Consents to photographs of the resident before a resident is photographed except that a resident may be photographed when admitted to a behavioral health supportive home for identification and administrative purposes; and
  - c. Except as otherwise permitted by law, provides written consent to the release of the resident's:
    - i. Medical records, and
    - ii. Financial records.
- B. A resident has the following rights:
  - 1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
  - 2. To receive services that support and respect the resident's individuality, choices, strengths, and abilities;
  - 3. To receive privacy in care for personal needs;
  - 4. To review, upon written request, the resident's own medical record according to [A.R.S. §§ 12-2293, 12-2294, and 12-2294.01](#);
  - 5. To receive a referral to another health care institution if the provider is unable to provide physical health services or behavioral health services for the resident; and

6. To receive assistance from a family member, representative, or other individual in understanding, protecting, or exercising the resident's rights.

**R9-10-1604. Providing Services**

- A. A provider shall ensure that behavioral health services and ancillary services are provided to a resident according to the resident's assessment or treatment plan obtained from a collaborating health care institution.
- B. A provider shall submit documentation of any significant change in a resident's behavior or physical, cognitive, or functional condition and the action taken by a provider to address the resident's changing needs to the resident's case manager and a collaborating health care institution.

**R9-10-1605. Assistance in the Self-Administration of Medication**

- A. If a provider provides assistance in the self-administration of medication, the provider shall ensure that:
  1. If a resident is receiving assistance in the self-administration of medication, the resident's medication is stored by the provider;
  2. The following assistance is provided to a resident:
    - a. A reminder when it is time to take the medication;
    - b. Opening the medication container or medication organizer for the resident;
    - c. Observing the resident while the resident removes the medication from the medication container or medication organizer;
    - d. Verifying that the medication is taken as ordered by the resident's medical practitioner by confirming that:
      - i. The resident taking the medication is the individual stated on the medication container label,
      - ii. The dosage of the medication is the same as stated on the medication container label, and
      - iii. The medication is being taken by the resident at the time stated on the medication container label; or
    - e. Observing the resident while the resident takes the medication; and
  3. Assistance with the self-administration of medication provided to a resident is documented in the resident's medical record.
- B. When medication is stored by a provider, the provider shall ensure that:
  1. A locked cabinet, closet, or self-contained unit is used for medication storage;

2. Medication is stored according to the instructions on the medication container; and
  3. Medication, including expired medication, that is no longer being used is discarded.
- C. A provider shall immediately report a medication error or a resident's adverse reaction to a medication to the medical practitioner who ordered the medication.

**R9-10-1606. Resident Records**

- A. A provider shall ensure that:
1. A medical record is established and maintained for each resident according to [A.R.S. Title 12, Chapter 13, Article 7.1](#);
  2. An entry in a resident's medical record is:
    - a. Only recorded by the provider;
    - b. Dated, legible, and authenticated; and
    - c. Not changed to make the initial entry illegible;
  3. Information in a resident's medical record is disclosed to an individual only with the written consent of a resident or the resident's representative or as permitted by law; and
  4. A resident's medical record is protected from loss, damage, or unauthorized use.
- B. If a provider maintains resident medical records electronically, the provider shall ensure that:
1. Safeguards exist to prevent unauthorized access, and
  2. The date and time of an entry in a resident's medical record is recorded by the computer's internal clock.
- C. A provider shall ensure that a resident's medical record contains:
1. Resident information that includes:
    - a. The resident's name;
    - b. The resident's date of birth; and
    - c. The name and contact information of the resident's representative, if applicable;
  2. The names, addresses, and telephone numbers of:
    - a. The resident's primary care provider;
    - b. The resident's case manager;
    - c. The resident's behavioral health professional;
    - d. An individual to be contacted in the event of emergency, significant change in the resident's condition, or termination of residency;
  3. Date of the resident's admission to the behavioral health supportive home;
  4. Documentation of freedom from infectious tuberculosis;

5. A copy of the resident's assessment or treatment plan and any updates to the resident's assessment or treatment plan obtained from a collaborating health care institution;
6. Documentation of a medication for which the resident received assistance in the self-administration of the medication that includes:
  - a. The date and time of assistance;
  - b. The name, strength, dosage, and route of administration;
  - c. The provider's signature or first and last initials; and
  - d. Any adverse reaction a resident has to the medication;
7. Documentation of the resident's refusal of a medication, if applicable;
8. Documentation of any significant change in a resident's behavior, physical, cognitive, or functional condition and the action taken by a provider to address the resident's changing needs; and
9. A written notice of termination of residency, if applicable.

**R9-10-1607. Food Services**

A provider shall ensure that:

1. Food is obtained, handled, and stored to prevent contamination, spoilage, or a threat to the health of a resident;
2. Three nutritionally balanced meals are served each day;
3. Nutritious snacks are available between meals;
4. Food served meets any special dietary needs of a resident as prescribed by the resident's physician or dietitian; and
5. Chemicals and detergents are not stored with food.

**R9-10-1608. Emergency and Safety Standards**

A provider shall ensure that:

1. There is a first aid kit available at a behavioral health supportive home;
2. If a firearm or ammunition for a firearm are stored at a behavioral health supportive home:
  - a. The firearm is stored separate from the ammunition for the firearm; and
  - b. The firearm and the ammunition for the firearm are:
    - i. Stored in a locked closet, cabinet, or container; and
    - ii. Inaccessible to a resident;
3. There is a smoke detector installed in:
  - a. A bedroom used by a resident,

- b. A hallway in a behavioral health supportive home, and
  - c. A behavioral health supportive home's kitchen;
- 4. A smoke detector required in subsection (3):
  - a. Is maintained in operable condition; and
  - b. Is battery operated or, if hard-wired into the electrical system of a behavioral health supportive home, has a back-up battery;
- 5. A behavioral health supportive home has a portable fire extinguisher that is labeled 1A-10-BC by the Underwriters Laboratory and available in the behavioral health supportive home's kitchen;
- 6. A portable fire extinguisher required in subsection (5) is:
  - a. If a disposable fire extinguisher, replaced when the fire extinguisher's indicator reaches the red zone; or
  - b. Serviced at least every 12 months and has a tag attached to the fire extinguisher that includes the date of service;
- 7. A written evacuation plan is conspicuously posted in a behavioral health supportive home;
- 8. An evacuation drill is conducted at least once every 3 months; and
- 9. A record of an evacuation drill required in subsection (8) is maintained for at least two years after the date of the fire drill.

**R9-10-1609. Environmental Standards**

- A. A provider shall ensure that a behavioral health supportive home:
  - 1. Is in a building that:
    - a. Has a residential occupancy according to the local zoning jurisdiction; and
    - b. Is free of any plumbing, electrical, ventilation, mechanical, or structural hazard that may jeopardize the health or safety of a resident;
  - 2. Has a living room accessible at all times to a resident;
  - 3. Has a dining area furnished for group meals that is accessible to the provider, residents, and any other individuals present in the behavioral health supportive home;
  - 4. Has:
    - a. At least one bathroom for each six individuals residing in the behavioral health home, including residents; and
    - b. A bathroom with a working toilet that flushes and a sink with running water accessible for use by a resident;



5. Has equipment and supplies to maintain a resident's personal hygiene accessible to the resident;
  6. Is clean and free from accumulations of dirt, garbage, and rubbish; and
  7. Has a pest control program that is implemented and documented.
- B. A provider shall ensure that any pets or other animals allowed on the premises do not endanger the health or safety of a resident.
- C. If a swimming pool is located on the premises, a provider shall ensure that:
1. The swimming pool is equipped with the following:
    - a. An operational water circulation system that clarifies and disinfects the swimming pool water continuously and that includes at least:
      - i. A removable strainer,
      - ii. Two swimming pool inlets located on opposite sides of the swimming pool, and
      - iii. A drain located at the swimming pool's lowest point and covered by a grating that cannot be removed without using tools; and
    - b. An operational vacuum cleaning system;
  2. The swimming pool is enclosed by a wall or fence that:
    - a. Is at least five feet in height as measured on the exterior of the wall or fence;
    - b. Has no vertical openings greater than four inches across;
    - c. Has no horizontal openings, except as described in subsection (C)(2)(e);
    - d. Is not chain-link;
    - e. Does not have a space between the ground and the bottom fence rail that exceeds four inches in height; and
    - f. Has a self-closing, self-latching gate that:
      - i. Opens away from the swimming pool,
      - ii. Has a latch located at least five feet from the ground, and
      - iii. Is locked when the swimming pool is not in use; and
  3. A life preserver or shepherd's crook is available and accessible in the pool area.
- D. A provider shall ensure that a spa that is not enclosed by a wall or fence as described in subsection (C)(2) is covered and locked when not in use.

**R9-10-1610. Adult Behavioral Health Therapeutic Home**

- A. If a provider plans to be absent from an adult behavioral health therapeutic home for 24 hours or more, the provider shall ensure that a resident is transferred to an appropriate placement until the provider returns to the adult behavioral health therapeutic home.
- B. A provider shall ensure that:
  - 1. A bedroom for use by a resident:
    - a. Is separated from a hall, corridors, or other habitable room by floor to ceiling walls containing no interior openings except doors and is not used as a passageway to another bedroom or habitable room;
    - b. Contains for each resident using the bedroom:
      - i. A separate, adult-size, single bed or larger bed with a clean mattress in good repair;
      - ii. Clean bedding appropriate for the season;
      - iii. An individual dresser and closet for storage of personal possessions and clothing; and
      - iv. A mirror for grooming; and
    - c. If used for:
      - i. Single occupancy, contains at least 60 square feet of floor space; or
      - ii. Double occupancy, contains at least 100 square feet of floor space;
  - 2. A resident does not share a bedroom with an individual who is not a resident;
  - 3. No more than two residents share a bedroom;
  - 4. If two residents share a bedroom, each resident agrees, in writing, to share the bedroom;
  - 5. A resident is allowed to have the resident's own furniture in the resident's bedroom unless the resident's furniture would interfere with safety precautions, violate a building or fire code, or interfere with another resident's use of the bedroom; and
  - 6. A resident's bedroom is not used to store anything other than the furniture and articles used by the resident and the resident's belongings.

**R9-10-1611. Children's Behavioral Health Respite Home**

- A. A provider may provide services in a children's behavioral health respite home for up to 4 residents if the residents are siblings.
- B. For a children's behavioral health respite home, a provider shall:
  - 1. Have a valid fingerprint clearance card according to [A.R.S. § 36-425.03](#); and
  - 2. Ensure that:

- a. If an adult other than a provider is present in the children's behavioral health respite home, the provider supervises the adult when and where a resident is present;
- b. If an individual may present a threat to a resident based on the individual's developmental levels, social skills, verbal skills, and personal history, the provider supervises the individual when and where a resident is present;
- c. A resident does not share a bedroom with:
  - i. An individual that, based on the other individual's developmental levels, social skills, verbal skills, and personal history, may present a threat to the resident or with an adult; and
  - ii. Except as provided in subsection (B)(2)(d), an individual that is not the same gender;
- d. A resident may share a bedroom with an individual that is not the same gender if the individual is the resident's sibling;
- e. A bedroom used by a resident:
  - i. If the bedroom is a private bedroom, the bedroom contains at least 60 square feet of floor space, not including the closet; or
  - ii. If the bedroom is a shared bedroom, the bedroom:
    - (1) Contains at least 100 square feet of floor space, not including a closet, for two individual occupying the bedroom or contains at least 140 square feet of floor space, not including a closet, for three individuals occupying the bedroom;
    - (2) If there are 4 siblings occupying the bedroom, contains at least 140 square feet of floor space, not including a closet, with sufficient space for an individual in the bedroom to have unobstructed access to the bedroom door; and
    - (3) Provides at least three feet of floor space between beds or bunk beds;
  - iii. Contains a bed that is at least 36 inches wide and at least 72 inches long, and consists of at least a frame and mattress and clean linens; and
  - iv. Contains individual storage space for personal effects and clothing such as shelves, a dresser, or chest of drawers;
- f. Clean linens for a bed include a mattress pad, sheets large enough to tuck under the mattress, pillows, pillow cases, bedspread, waterproof mattress covers as needed, and blankets to ensure warmth and comfort of a resident;
- g. A resident older than three years of age does not sleep in a crib;

- h. Clean and non-hazardous toys, educational materials, and physical activity equipment are available and accessible to residents in a quantity sufficient to meet each resident's needs and are appropriate to each resident's age and developmental level; and
- i. The following are stored in a labeled container separate from food storage areas and inaccessible to a resident:
  - i. Materials and chemicals labeled as a toxic substance, and
  - ii. Substances that have a child warning label and may be a hazard to a resident.